

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

RESOURCE ASSOCIATES GRANT  
WRITING AND EVALUATION SERVICES, INC.,

Plaintiff and Counterdefendant,

vs.

No. CIV 08-0552 JB/LAM

SHELLEY MABERRY, d/b/a,  
MABERRY CONSULTING, INC., and  
MABERRY CONSULTING AND  
EVALUATION SERVICES, LLC,

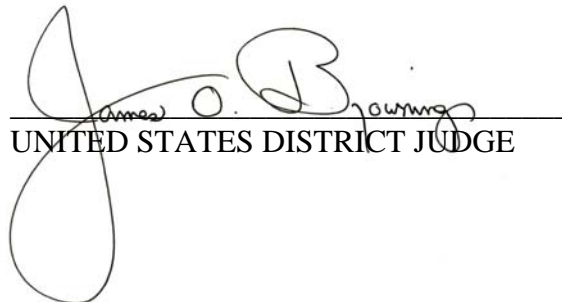
Defendants, Counterclaimants,  
and Crossclaimants.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on the Letter from David A. Streubel to the Court, dated November 11, 2008, filed November 11, 2008 (Doc. 103). The primary issue is whether the Court should determine that Plaintiff Resource Associates Grant Writing and Evaluation Services, Inc., cannot designate the identity of its clients as “Attorney Only Confidential” under the parties’ Stipulated Confidentiality Order. Because the Court believes that there remains a dispute whether Resource Associates treats the identity of all of its clients as confidential, and because the Court does not believe it should make a blanket merits determination in the midst of discovery, the Court will deny the motion without prejudice to the Defendants bringing to the Court’s attention particular clients that should not be given the highest level of confidentiality. The Confidentiality Order provides a mechanism for lowering the level of confidentiality for discreet categories of documents, and if the Defendants continue to believe that the identity of some clients should be given a different designation, it should employ the process provided by the Confidentiality Order.

Resource Associates appears to advertise that it does work for some clients, but keeps confidential other names. Compare Transcript of Hearing on Application for Temporary Restraining Order at 76:5-7, 16-21 (taken June 18, 2008)(Doc. 50), with id. at 76:23-25. Thus, Resource Associates apparently treats some names as confidential, but lists some representative clients on its website. If the parties cannot work it out so that the names on Resource Associates' website are not attorney eye's only, the Court would, if presented with the question, be inclined to lower the confidentiality for the identity of those clients. The Court is unwilling, however, on the record before the Court and at this stage of the litigation, to make a blanket merits determination that the identity of all of Resource Associates' clients are not confidential.

**IT IS ORDERED** that the request in the Letter from David A. Streubel to the Court (dated November 11, 2008), that the Court determine that the Plaintiff may not designate the identity of its clients as "Attorney Only Confidential" under the parties' Stipulated Confidentiality Order is denied without prejudice to the Defendants renewing their request for the identity of clients listed on the Plaintiff's website.



UNITED STATES DISTRICT JUDGE

Counsel:

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